

**15742. Misbranding of tomato paste. U. S. v. 350 Cases, et al, of Tomato Paste. Decrees of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22769. I. S. Nos. 20337-x, 20338-x, S. No. 803.)**

On May 10, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 675 cases of tomato paste, remaining in the original unbroken packages at Philadelphia, Pa., consigned by La Sierra Heights Canning Co., Arlington, Calif., alleging that the article had been shipped in part on or about September 28, 1927, and in part on or about January 10, 1928, from Arlington, in the State of California into the State of Pennsylvania, in violation of the food and drugs act. The article was labeled in part: "Liberta Brand Tomato Paste," or "Giardiniera Brand Tomato Paste."

It was alleged in the libels that the statements, "Tomato Paste Salsi di Pomodoro," and "Tomato Paste," borne on the labels, were false and misleading, in that artificial color had been added.

On May 16, 1928, the La Sierra Heights Canning Co., Arlington, Calif., having appeared as claimant for the property, judgments of the court were entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$2,500, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15743. Adulteration of cheese. U. S. v. 110 Boxes of Cheese. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22392. I. S. No. 23887-x. S. No. 474.)**

On January 31, 1928, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 110 boxes of cheese, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by M. Fitzgerald, from East Waupun, Wis., January 12, 1928, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article.

On May 26, 1928, the J. S. Hoffman Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed, under the supervision of this department, in such manner as to remove the excess water.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**15744. Adulteration of prunes. U. S. v. 144 Boxes of Prunes. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 22723. I. S. Nos. 24267-x, 24268-x. S. No. 760.)**

On April 18, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 144 boxes of prunes, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Jacksonville Florida Union Terminal Warehouse Co., from Jacksonville, Fla., March 24, 1928, and transported from the State of Florida into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.